

REMARKS

In response to the above Office Action and examined claims 1, 2, 20-22, and 32, claim 1 has been amended to correct a typographical error; claims 20 and 32 to place them in proper multiple dependent form, and claims 21 and 22 to include Markush language to avoid the rejection of these claims for being indefinite under 35 U.S.C. §112, second paragraph.

In addition, withdrawn claims 14, 15, 23, 24, and 29 have been amended to correct typographical errors.

Withdrawn claims 3-19 and 23-31 have been retained and not cancelled because they are all dependent directly or indirectly on examined claim 1 which is generic to their subject matter. Accordingly, it is believed they are entitled to be rejoined in the application once claim 1 is considered allowable. In this regard, it is noted that the Examiner's requirement of May 16, 2003 was for an election of species, not a requirement for restriction.

Claims 1, 2, 21, and 22 were also rejected under 35 U.S.C. §112, second paragraph, on the grounds that while the specification supports the administration of a compound of formula 1 where there is a single bond between the 3- and 4-positions in the carbostyryl skeleton, there is no data to support the results obtained when there is a double bond between the 3- and 4-positions in the carbostyryl skeleton.

In response, enclosed is a Declaration under Rule 132 of T. Kikuchi, one of the inventors, that demonstrates the partial agonistic activity to h5-HT_{1A} receptors of a compound of formula (1) where the bond between the 3- and 4-positions in the carbostyryl skeleton is a double bond.

Withdrawal of the rejection of the claims under §112, second paragraph is requested.

It is believed claims 1-32 are in condition for allowance.

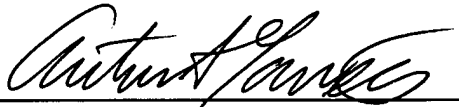
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: January 21, 2004

By: 
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Attachments: Declaration of Inventor T. Kikuchi

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